THE HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.23831 and
TAKEN UP WRIT PETITION NO. 24128 OF 2007

Date: 3.12.2007

W.P.NO.23831 of 2007

Between:

Smt. K. Saritha W/o Om. Prakash … Petitioner.

And

The State of A.P. represented by its
Principal Secretary (Home), Secretariat,
Hyderabad and others. …. Respondents.

And

W.P.No.24128 of 2007

Smt. K. Savitha W/o Om Prakash … Petitioner.

And

The Station House Officer,
Shankarpally, Rangareddy District
and another. … Respondents.

ORAL ORDER: **(per A. Gopal Reddy, J)**

Taken Up Writ Petition No.24128 of 2007 and W.P.No.23831 of 2007 can be disposed of together by a common order as they arise out of the same cause of action.

Telegram dated 5.11.2007 sent by Smt. K. Savitha wife of Om Prakash son of Rajaiah, resident of Yedpally, Bodhan, Nizamabad District to the Hon'ble the Chief Justice of this Court alleging that her husband has been illegally detained by the Shankarpally Police and she apprehends danger to his life has been taken up as W.P.No.24128 of 2007.

On 7.11.2007 the very same writ petitioner but named as K. Saritha wife of Om Prakash Gandhi, resident of Shankarpally filed W.P.NO.23831 2007 for a writ of habeas Corpus and to produce the

alleged detenu K. Om Prakash son of Rajaiah and to set him at liberty, complaining that Shankarpally police have illegally detained him.

The Sub-Inspector of Police, Shankarpally Police Station, has filed a common counter-affidavit Stating that one Sri P. Govardhan Reddy resident of Shankarpally made a complaint to the Assistant Sub-Inspector of Police, Shankarpally Police Station on 24.10.2007 alleging that the alleged detenu who is working as Manager in Sri Sai Gas Agency, Shankarpally has collected Rs.3,000/- and an empty gas cylinder from him with a promise that he would provide a new gas connection and his enquires revealed that the alleged detenu has also collected huge amounts with empty cylinders from many villagers under the guise of providing new gas connections, that when he approached the owner of Gas Agency where the alleged detenu is said to be working for refund of the amounts, the owner refused to refund the amounts on the ground that the alleged detenu was not authorized to collect any amounts on behalf of the agency, that he is not attending to their office from the last one and half months and they have nothing to do with the same. On the basis of the same, a G.D. entry was made on 24.10.2007 and when efforts are being made to trace out the alleged detenu, in order to pre-empt the police from registering a crime against the alleged detenu, a telegram has been issued by the petitioner on the basis of which W.P.No.24128of 2007 came to be registered and later W.P.No.23831 of 2007 was also filed.

Today, the alleged detenu was present in Court. On enquiry by the Court, he stated that from 24.10.2007 to 7.11.2007 he was in illegal detention, but the police have not tortured him as alleged in the telegram. The counter however denies the allegation of the detenu and states that only in order to pre-empt the arrest of the detenu the telegram was issued. Since the alleged detenu who is present in court has not supported the contents of the telegram that the police have tortured him by adopting third degree methods, there is every possibility of writ petition being filed only to pre-empt the police from registering a crime against him on the complaints said to have been made by the villagers from whom the alleged detenu is alleged to have collected amounts and empty cylinders with the promise to provide them new gas connections. Under these circumstances, both the writ petitions are dismissed. However, it is open to the petitioner or the alleged detenu to initiate appropriate proceedings, if they so desire, if the police have illegally detained the alleged detenu for any period, against the officers responsible for such detention.

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A. GOPAL REDDY, J

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3rd December, 2007 **NOOTY RAMAMOHANA RAO, J**

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